

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

|                           |   |                   |
|---------------------------|---|-------------------|
| UNITED STATES OF AMERICA, | ) |                   |
|                           | ) |                   |
| Plaintiff,                | ) |                   |
|                           | ) |                   |
| v.                        | ) | No. 3:05-CR-115   |
|                           | ) | (PHILLIPS/GUYTON) |
| JOSEPH FAIRCLOTH,         | ) |                   |
|                           | ) |                   |
| Defendant.                | ) |                   |

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on the following motions by the defendant, all of which were filed on November 30, 2005:

- (1) Defendant Joseph Faircloth's Request for Disclosure Of Exculpatory Evidence [44];
- (2) Defendant Joseph Faircloth's Motion for Disclosure of Identity Of Persons Who Were Present Or Participated In Any Charged Offense Conduct [45]; and
- (3) Defendant Joseph Faircloth's Request for Notice Of Any Rule 404(B) Evidence The Government Seeks To Introduce At Trial. [47].

The Court has reviewed defendant's motions [44, 45, and 47], including the memorandum and related authorities submitted by defendant. The Court has likewise reviewed the government's Consolidated Response to Defendant Joseph Faircloth's Motions [53]. The Court finds that oral argument would not assist the Court in its disposition of these matters.

The Court finds that defendant's motions are not well taken and should be denied.  
Accordingly, the defendant's motions [**Docs. 44, 45, and 47**] are **DENIED**.

**IT IS SO ORDERED.**

ENTER:

s/ H. Bruce Guyton  
United States Magistrate Judge